

Exhibit J

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DISTRICT COURT, CITY AND COUNTY OF DENVER
STATE OF COLORADO
Case No. 2020CV032866, Division 203

VIDEO RULE 30(b)(6) DEPOSITION OF
FLOYD'S OF LEADVILLE, INC. by FLOYD LANDIS
September 28, 2022

REDEMPTION HOLDINGS, INC., a Colorado corporation,

Plaintiff,

vs.

FLOYD'S OF LEADVILLE, INC. N/k/a VALUED, INC., a
Colorado corporation, et al.,
Defendants,

and

FLOYD'S OF LEADVILLE, INC. N/k/a VALUED, INC.,

Counterclaimant Plaintiff,

v.

REDEMPTION HOLDINGS, INC.,

Counterclaim Defendant,

and

FLOYD'S OF LEADVILLE, INC. N/k/a VALUED, INC.,

Third-Party Plaintiff,

v.

FRANK J. DIMARTINI,

Third-Party Defendant.

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1 example, such that then you have emails that say
2 @FloydsOfLeadville.com. And so it's just simply a
3 service that provides cloud-based email.

4 Q Okay. And there's also the -- the wire
5 service. Are you fam -- do you know what I'm talking
6 about?

7 A Yes, yeah.

8 Q And how is it different from Proton?

9 A Well, that's not an email at all. And
10 that's more of like -- I would say it's very, very
11 similar to WhatsApp --

12 Q Okay.

13 A -- where you just -- it's a text-based
14 communication software.

15 Q Okay. So staying with Proton Mail, has
16 FOL been able to retrieve all of the emails related
17 to these dealings from all of these Protonmail.com
18 accounts?

19 A Yep. Those are maintained, yep.

20 Q All right. So you're able to retrieve all
21 of those that have all been disclosed to your counsel
22 for production in the case?

23 A So I would carve out the caveat that if a
24 given person had -- so I would -- I would issue
25 emails to people as they came onboard the company or

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1 A Yes, sir.

2 Q Okay. And going back over to the Wire
3 app, was FOL able to retrieve all of the Wire app
4 communications that spanned from 2017 up through 2020
5 related to these loan transactions?

6 A So those are different in the sense that
7 they are similar to WhatsApp in -- in the way the
8 mechanism works that there's no way to have a -- an
9 overall administrator that has access to everybody's
10 communication all of the time.

11 Each person has their own and, to the
12 extent they keep it, it -- it remains on their -- on
13 their device or in the cloud. And when they sign in,
14 it might repopulate, depending how they have it set
15 up. But -- but there is no administrator that can
16 see all of it.

17 So I -- I would have never been able to
18 access all of their wire communication unless it's
19 directly with me, in which case I see it from my own
20 account, right? So it's not like email in that
21 sense. Email is preserved because that's kind of how
22 email works. And it's also federated because it can
23 work with all kinds of different things.

24 Wire, you can only talk to another person
25 with Wire. And that person has complete control of

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1 their information, and you have complete control of
2 yours. And so I -- as you, you know, maybe move your
3 account from one device to another, it's not always
4 carried forward. So some things might have been
5 lost; but to the extent that I went through
6 information looking for discoverable things, I went
7 through my own Wire accounts, too. I just -- I can't
8 do it for other people.

9 Q Had you changed devices or anything along
10 the way that would have impaired your ability to
11 actually get all of those Wire communications going
12 back to 2017?

13 A At -- at some point a couple of times, I
14 had upgraded phones. And I don't know that -- I
15 don't have a way of knowing if everything was carried
16 forward, but I had a decent amount that I went
17 through. But most of what would have been things
18 that needed to be preserved would have been done by
19 email, and that was more just kind of like daily
20 chit-chat stuff.

21 Q And in terms of FOL's process, would it
22 cull out what it thought was pertinent and forward it
23 to counsel?

24 A Yes.

25 Q All right. So it's not like the full --

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1 the full accounts weren't just shipped to counsel and
2 let them sort through what was in there?

3 A With emails, that's what I did.

4 Q Okay.

5 A It's harder to search the way -- they
6 don't have a great way to extract intuitively
7 formatted history of the Wire things, so I kind of
8 just went through to try find anything that I thought
9 made any useful sense.

10 Q Okay. I'll next show you what we'll mark
11 as Exhibit 276.

12 (Deposition Exhibit 276 was marked.)

13 Q (BY MR. DAWES) All right. Have you seen
14 Exhibit 276 before?

15 A I have.

16 Q Okay. And so this is -- this is a deck
17 FOL had prepared, correct? Or it's an email that
18 includes a deck?

19 A It appears to be an email that includes a
20 deck, yeah.

21 Q Okay. And so the original email is from
22 Mr. Kelly to Mr. Gazdak. It says, "Jonathan, Frank D
23 asked me to forward to you," right?

24 A That's what it says, yeah.

25 Q All right. And then shortly thereafter,